

FORM PTO-1390 (Modified)  
(Rev. 07-2004)

U.S. PATENT AND TRADEMARK OFFICE, U.S. DEPARTMENT OF COMMERCE

ATTORNEY'S DOCKET NUMBER

## TRANSMITTAL LETTER TO THE UNITED STATES

PG4860

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

10/517801

INTERNATIONAL APPLICATION NO.  
PCT/EP2003/006465INTERNATIONAL FILING DATE  
June 19, 2003PRIORITY DATE CLAIMED  
June 19, 2002

## TITLE OF INVENTION

(2S)-2-AMINO-4-[[2-(ETHANIMIDOYLAMINO) ETHYL]THIO]BUTANOIC ACID, A NITRIC OXIDE SYNTHASE INHIBITOR, IN STABILIZED PHARMACEUTICAL DOSAGE FORMS

## APPLICANT(S) FOR DO/EO/US

Stuart BROUGHTON et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV332064310 US
23. ☒ Other items or information:

PCT Request

PCT Coverpage of Publication

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/517801</b>		INTERNATIONAL APPLICATION NO. PCT/EP2003/006465		ATTORNEY'S DOCKET NUMBER PG4860	
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24. The following fees are submitted:

<b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :</b>			<b>CALCULATIONS PTOUSE ONLY</b>	
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1110.00			
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$950.00			
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$790.00			
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$750.00			
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00			
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<b>\$950.00</b>		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		<b>\$0.00</b>		
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>	
Total claims	11 - 20 =	0	x \$18.00	<b>\$0.00</b>
Independent claims	1 - 3 =	0	x \$88.00	<b>\$0.00</b>
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	<b>\$0.00</b>
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$950.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				<b>\$0.00</b>
<b>SUBTOTAL =</b>				<b>\$950.00</b>
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			+	<b>\$0.00</b>
<b>TOTAL NATIONAL FEE =</b>				<b>\$950.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).			<input type="checkbox"/>	<b>\$0.00</b>
<b>TOTAL FEES ENCLOSED =</b>				<b>\$950.00</b>
			<b>Amount to be refunded</b>	\$
			<b>charged</b>	\$

a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$950.00 to cover the above fees.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

**CUSTOMER NUMBER**

**23347**

*Bonnie L. Deppenbrock*

SIGNATURE

**Bonnie L. Deppenbrock**


NAME

**28,209**

REGISTRATION NUMBER

*10 December 2004*

DATE

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. PG4860	
Applicant(s): Stuart BROUGHTON, et al.				
Application No. To be assigned	Filing Date	Examiner	Customer No.	Group Art Unit
Invention: (2S)-2-AMINO-4-{{[2-(ETHANIMIDOYLAMINO) ETHYL]THIO}BUTANOIC ACID, A NITRIC OXIDE SYNTHASE INHIBITOR, IN STABILIZED PHARMACEUTICAL DOSAGE FORMS				
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C. 371 </div> <p style="text-align: center; margin: 0;">(Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center; margin: 10px 0;"> <u>December 10, 2004</u>  (Date) </p> <div style="text-align: right; margin-top: 20px;"> <p>Julie D. McFalls</p> <p>(Typed or Printed Name of Person Mailing Correspondence)</p> <div style="margin-top: 10px;">   (Signature of Person Mailing Correspondence) </div> <div style="margin-top: 10px;"> EV332064310US  <small>(Express Mail Tracking Number)</small> </div> </div>				
<p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>				